

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 870
Case No. 98-10C
(Consolidated Planned Unit Development
and Map Amendment at 7th & G Streets, S.W.)
December 14, 1998

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on November 30, 1998, to consider an application from Challenger Court Corporation for consolidated review and approval of a planned unit development (PUD) and related map amendment pursuant to Chapter 24 and Section 102, respectively, of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. On April 16, 1998, the applicant filed an application for the consolidated review and approval of a planned unit development and related map amendment from unzoned to R-5-B and C-3-A for property located at 7th & G Streets, S.W., comprising the entirety of Square 413.
2. The applicant proposed to construct a residential development consisting of 93 single-family row dwellings (townhouses). The townhouses will be constructed to a height of 50 feet with an average width of approximately 18 feet. Each dwelling will include two parking spaces.
3. The applicant owns the eastern two-thirds of the site and is the contract purchaser for the remaining one-third of the property, which is currently owned by the Redevelopment Land Agency (RLA).
4. The subject property is situated in Ward 2 in the city block bounded by 7th Street, S.W., on the east; 9th Street, S.W., on the west; G Street, S.W., on the south, and the Southeast-Southwest Freeway on the north. The site is comprised of 135,431 square feet (3.1 acres) of land area, which is currently vacant and used as a surface parking lot.

5. The Generalized Land Use Map of the Comprehensive Plan designates the property in the medium density residential land use category.
6. To the south of the site across G Street are the athletic fields and school grounds of Thomas Jefferson Junior High School. A four-story office building is also located to the south along 9th Street, S.W. To the east across 7th Street are two-story rowhouses developed under the urban renewal plan. The Town Square Towers condominium, containing approximately 272 units, is located southwest of the PUD site. Small-scale apartment buildings and two-story rowhouses are also located in that same square. The Southeast-Southwest Freeway and its retaining wall act as a barrier to the properties to the north.
7. The property is located within the Southwest Urban Renewal Area and until recently was subject to the urban renewal plan and disposition controls of the RLA. That plan expired in 1996, and on November 20, 1998, pursuant to Zoning Commission Order No. 807, the eastern two-thirds of Square 413 (a distance of 162 feet east from 9th Street, S.W.) was zoned in the R-5-B zone district with the remainder of the property zoned in the C-3-A zone district. Because of this recent rezoning of the property, the map amendment requested by the applicant is rendered moot.
8. The R-5-B zone district is a moderate height and density residential district designed to permit a flexibility of design by allowing all types of residential development in a single district. The R-5-B zone district permits a maximum floor area ratio (FAR) of 1.8, a lot occupancy of 60 percent, and a height of 50 feet, with no limit on the number of stories. A rear yard of at least 15 feet is required, or four inches for every foot of vertical height measured from the finished grade to the highest point of the roof or parapet wall, whichever is greater. If a side yard is provided, it shall be at least three inches wide for every foot of building height, but not less than eight feet wide. There is no minimum lot area or minimum lot width requirement in the R-5-B zone district.
9. The C-3-A zone district is a mixed use district which permits a maximum FAR of 4.0 for apartments or other residential use, a 75 percent lot occupancy and a maximum height of 65 feet, with no limit on the number of stories. A rear yard of at least 12 feet is required, or 2.5 inches for every foot of vertical height measured from the finished grade to the highest point of the roof or parapet wall, whichever is greater. No side yard is required in the C-3-A zone district; however, if one is provided for a row dwelling, it must be at least two inches wide for every foot of building height, but not less than six feet wide.
10. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed

or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions that would otherwise require approval by the BZA.

11. The public hearing notice for this case indicated that the Commission, in reviewing the application, would evaluate whether or not to zone the entirety of the property to R-5-B.
12. The applicant, in testimony and in written submission to the record, stated that the townhouse project was being developed in accordance with an Exclusive Rights Agreement and Land Disposition Agreement with the RLA. The residential development will consist of 93 townhouses built in 13 clusters. The total project will contain approximately 183,570 square feet of gross floor area.
13. The applicant, in testimony and in its prehearing submission, agreed that the R-5-B zone district is appropriate for the entire site if the PUD is approved.
14. The project architect, Carlos Vasquez of the Lessard Architectural Group, Inc., was recognized by the Commission as an expert in architecture. He testified that the development has been carefully designed to reflect the urban character of such historic neighborhoods as Georgetown, Capitol Hill, and Alexandria, Virginia. He stated that the townhouses will incorporate three predominant architectural styles reflecting Georgian, Federal and Victorian architecture. He indicated that four different floor plans with multiple facade treatments will alternate within the community. End units will be specially treated to mark the entrance points to the community. He stated that the front facades and public elevations of the houses will be clad with a mixture of natural masonry, painted masonry and clapboard siding. In efforts to maintain a pedestrian scale and garden concept along the streetscape, and to minimize the visibility of automobiles, Mr. Vasquez stated that there will be no curbcuts or driveways at the front elevations of the houses, except for the units backing up to I-395. Instead, he stated that the community will include a system of internal alleys providing access to garages and covered parking spaces at the rear of the dwellings. He stated that the houses would range in size from 1800 to 2200 square feet, and each one would include a rear deck spanning the width of the unit.
15. Mr. Steven Gewirz, of Potomac Investment Properties, and Bob Youngentob, President of Eakin/Youngentob Associates, Inc. (EYA), testified in support of the project. Both stated that their companies would jointly develop the property on behalf of the Challenger Court Corporation.
16. Mr. Youngentob expanded on the testimony of Mr. Vasquez regarding the materials and design of the new community. He stated that 20 to 30 percent of the

front elevations of the houses would be clad in wood siding and the remainder would be constructed of brick. In response to a question from the Commission, he stated that he would commit to cladding a minimum of 50% of the front elevations in brick. He indicated that the paint colors for the houses would be pre-selected by the developer and that a homeowners association agreement would control and maintain the palette chosen for the community. He also stated that the end units would be clad entirely in brick.

17. Mr. Youngentob and Mr. Vasquez also testified as to the type of lighting to be provided in the new development. They stated that lighting would be attached to the undersides of the decks and would be directed downward to the internal street network of the community. Washington Globe street lights would be installed along the non-alley streets and the perimeter of the development. This lighting would be part of the common property of the development and controlled through a separate meter system. Finally, each facade would be equipped with a coach light or recessed lighting within the entrance alcove.
18. In response to questions regarding the practicality of decks serving as the outdoor living space at the rear of the houses, Mr. Youngentob stated that market studies and the success of similar townhouse developments that his company has developed with similar rear decks indicate that these decks will be considered attractive, positive design elements of the houses.
19. Mr. Vasquez and Mr. Youngentob also testified as to the extensive landscaping to be included in the project. They stated that flowering trees, maples, and oaks would be planted along the streets and at the interior common areas within the development. They stated that the common green spaces, including the interior "parklets," would be treated with a mixture of hardscape and softscape elements.
20. Robert Morris, recognized as an expert in traffic engineering, testified on behalf of the applicant in support of the project. He stated that traffic volumes on all surrounding streets, even during rush hours, operated at the optimum "A" level. His studies indicated that the proposed PUD would have no negative impacts on traffic volume. He further testified that the provision of two parking spaces per unit, either in a garage or covered area, was twice the amount required by zoning. He also noted that the proposed development would provide an additional 12 spaces for visitor parking within the community. He stated that census data indicated that the number of cars in the immediate neighborhood was approximately .93 per unit. He further testified that an actual count of cars per unit indicated a much lower ratio of .75 cars per unit. He concluded that the number of parking spaces provided by the PUD was more than adequate to meet projected demand and that adjacent streets could adequately accommodate any potential overflow parking.

21. The applicant stated through testimony and written submission to the record that the PUD does not meet all of the matter-of-right requirements of the R-5-B zone district, as follows:

- a. The PUD contemplates 93 individual townhouses on a site not yet subdivided for row dwellings. Under Section 2516 of the Zoning Regulations, theoretical lots may be created for such subdivisions, subject to BZA approval.
- b. The project does not meet the minimum requirements for lot occupancy, rear yards, side yards and front yards for those houses that do not front on a public street.
- c. The project proposes street widths within the project's interior that are less than the minimum requirement.

The applicant stated that minor deviations from these requirements are necessary to accommodate the high-quality townhouses that will fulfill District and neighborhood planning goals.

22. The applicant stated that the project incorporates several of the amenities and benefits listed under the PUD regulations, as follows:

- a. Housing. The provision of 93, for sale, residential units to the housing market in the District of Columbia is the primary amenity of this PUD. Subsection 2403.9(f) of the Zoning Regulations specifically states that the production of housing is a public benefit that the PUD process is designed to encourage.
- b. Completion of the Southwest Redevelopment Area. The PUD process encourages development that provides uses of special value to the neighborhood. This project will further the site specific goals of the Urban Renewal Plan for Southwest and will fulfill the long-awaited goal of development on one of the last vacant sites in the Southwest Redevelopment Area. This development will fill in the void on the streetscape and successfully tie together the urban fabric of the surrounding residential community.
- c. Urban Design. The proposed townhouses have been sensitively designed to compliment the surrounding row dwellings and apartments in the Southwest area. There will be no garages facing, or driveway curbcuts, on the public streets. The highly articulated facades of the townhouses designed in the Georgian, Federal and Victorian tradition enhance the aesthetic quality of the area and create an attractive environment for people

in the neighborhood. The superior design features of the development will enhance the sense of place and visual identity of the community.

- d. Transportation. The project will provide more than twice the number of parking spaces required under the Zoning Regulations. A total of 198 off-street parking spaces will be available for the 93-unit development. Each townhouse will have two off-street parking spaces and another 12 parking spaces will be provided along the interior street network of the development. Additionally, there are 30 on-street parking spaces available along the perimeter of the site to accommodate additional visitor parking. Further, the project is within easy walking distance of Metrorail service.
- e. Revenue for the District. The return of the property to the tax base and home ownership will significantly increase tax revenue for the District. It is estimated that real estate taxes on the site, when fully developed, will be increased by approximately \$250,000 per year, while the income tax generated from the residents of these units will be approximately \$300,000 per year.
- f. Site Planning. The proposed project makes effective use of the existing site by filling in the gaps of the urban streetscape. As it currently exists, the site is a vacant parking lot that detracts from the ambiance and vitality of the neighborhood. Construction of the residential complex will properly organize the site and allow for the orderly development of the property.
- g. Local Business Opportunities. As a part of the Land Disposition Agreement for the site, the applicant will enter into a Memorandum of Understanding with the D.C. Local Business Opportunity Commission in order to achieve, at a minimum, the goal of 35 percent participation by small, local and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance and security of the project to be created as a result of the PUD project. This memorandum will contribute significantly to the District of Columbia goal of ensuring adequate opportunities for such businesses to participate in development projects throughout the city.
- h. First Source Employment Opportunities. Likewise, in furtherance of Mayor's Order No. 83-265 and D.C. Law 5-93, the applicant also entered a First Source Employment Agreement with the Department of Employment Services (DOES) on April 5, 1995, in order to achieve the goal of utilizing District of Columbia residents for at least 51 percent of the jobs created by the PUD project. The applicant will use DOES as its first source for recruitment, referral and placement of new hires for employees whose jobs are created by the PUD.

23. The District of Columbia Office of Planning (OP), by memorandum dated November 13, 1998, and by testimony presented at the public hearing, recommended approval of the application. OP concluded that the townhouse development is consistent with the RLA agreements, the zoning for the site and the Comprehensive Plan.
24. OP further stated at the hearing that the C-3-A zone district recently adopted for the site no longer corresponds to the its development proposal and thus may not be the most appropriate designation. OP indicated that during the 1980s, RLA reviewed and approved a development concept known as the Challenger Center for the subject property. The project included a museum and visitor center which corresponded to the C-3-A area of the site and a townhouse development to be located in the R-5-B segment of the property. OP stated that because the subsequent Exclusive Rights Agreement with the RLA contemplates only residential development, classification of one-third of the property in the C-3-A zone district is no longer warranted. OP stated that it would recommend that the Zoning Commission redesignate the C-3-A portion of the site to the R-5-B zone district under this PUD application. The applicant also indicated consent to such action.
25. Advisory Neighborhood Commission (ANC) 2D submitted a resolution to the record and testified in support of the application. By action taken November 23, 1998, ANC 2D voted 4-0 to support the application. Four members voting represents a quorum for the ANC. The ANC representative at the hearing testified that the community had reviewed this proposal on numerous occasions, and in great detail, and wholeheartedly supports it while urging expeditious approval by the Commission.
26. The Southwest Neighborhood Assembly Board submitted a letter in support of the application to the record.
27. There was no opposition to the application.
28. At the close of the hearing, the Commission requested more details with regard to landscaping, lighting and the alley aesthetics. These materials were filed by the applicant on December 7, 1998.
29. The Commission concurs with the position of the applicant, OP, ANC 2D and the Southwest Neighborhood Assembly Board that the proposed planned unit development should be approved.
30. The Commission finds that the applicant has met its burden of demonstrating the appropriateness of the public benefits and other meritorious aspects of the

proposal. Those benefits include the provision of 93 housing units in direct response to the PUD regulations and the Ward 2 Plan, the provision of parking well in excess of the zoning requirements, urban design, site planning, and increased revenue for the District of Columbia.

31. The Commission finds that the minor deviations from area requirements are necessary to promote the successful completion of the residential development and will not adversely affect neighboring properties.
32. The Commission finds that the project is not inconsistent with the Comprehensive Plan, which encourages the provision of housing within the District of Columbia and within Ward 2.
33. The Commission also finds the proposed development to be consistent with the medium density residential land use designation depicted on the Generalized Land Use Map of the Comprehensive Plan. The Commission further finds the C-3-A zone district recently designated for the site to be inconsistent with the proposed PUD and the Exclusive Rights Agreement and Land Disposition Agreement with the RLA. The Commission finds the R-5-B zone district to be consistent for the proposed development of the entire site.
34. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by action dated February 4, 1999, found the proposed PUD would not affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.
2. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
3. Approval of this PUD and change of zoning is not inconsistent with the Comprehensive Plan, including the designation of the site for medium density residential use.

4. The proposed PUD meets the minimum area requirements of Section 2401.1 of the Zoning Regulations.
5. Approval of this PUD application is appropriate because the application is generally consistent with the present character of the area.
6. The Commission takes note of the position of Advisory Neighborhood Commission 2D, and in its decision has accorded to the ANC the "great weight" consideration to which it is entitled.
7. The approval of the application will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. The proposed application can be approved with conditions which will ensure that development will not have an adverse effect on the surrounding area.
9. The application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for consolidated review of a planned unit development for the entirety of Square 413 in the city block bounded by 7th, 9th, and G Streets, S.W., and the Southeast-Southwest Freeway. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The subject property is rezoned to R-5-B.
2. The planned unit development (PUD) shall be developed in accordance with the plans prepared by the Lessard Architectural Group, Inc., dated September 18, 1998, and supplemented December 7, 1998, marked as Exhibits 14 and 33, and as modified by the guidelines, conditions and standards herein.
3. The project shall be a residential development consisting of 93 row dwellings (townhouses) and approximately 183,570 square feet of gross floor area. The PUD project shall not exceed 50 feet in height, or four stories.
4. Landscaping shall be in accordance with the plans, dated December 7, 1998, and marked as Exhibit 33 in the record.

5. All end units, in their entirety, shall be clad in brick. A minimum of 50 percent of all remaining elevations of the townhouses shall be clad in brick. No vinyl siding may be used on any front elevation of any townhouse.
6. A minimum of two parking spaces shall be provided for each townhouse . A minimum of twelve visitor spaces shall be provided on-site within the internal street system of the development.
7. The applicant shall have the necessary flexibility to make adjustments to the project with respect to interior partitions, structural slabs, and interior stairways.
8. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, that is satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the applicant and all successors in title to construct on and use this property in accordance with this order or amendment thereof by the Zoning Commission.
9. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.
10. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR 2409.1. Construction shall begin within three years of the effective date of this order.
11. The applicant shall enter into a Memorandum of Understanding with the D.C. Local Business Opportunity Commission in order to achieve, at a minimum, the goal of 35 percent participation by small, local and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance and security of the project to be created as a result of the PUD project.
12. The applicant shall abide by the terms of the First Source Employment Agreement with the Department of Employment Services (DOES), dated April 5, 1995, in order to achieve the goal of utilizing District of Columbia residents for at least 51 percent of the jobs created by the PUD project.
13. Pursuant to D.C. Code Section 1-2531 (1991), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified at D.C. Code, Title 1, Chapter 25 (1991), and this order is conditioned upon full compliance with those

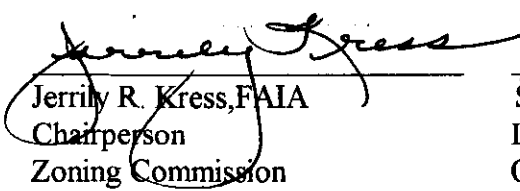
provisions. Nothing in this order shall be understood to require the Zoning Regulations Division of DCRA to approve permits if the applicant fails to comply with any provision of D.C. Law 2-38, as amended.

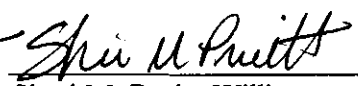
Vote of the Zoning Commission taken at its public meeting on December 14, 1998: 4-0-1 (Franklin, Hood, Kress and Parsons to approve; Clarens not voting, not having participated in the case).

The order was adopted by the Zoning Commission at its public meeting on February 8, 1999 by a vote of 4-0-1 (Anthony J. Hood, John G. Parsons, Jerrily R. Kress by proxy, and Herbert M. Franklin by proxy; Angel F. Clarens, not voting, not having participated in the case).

In accordance with the provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register; that is, on

~~FEB 26 1999~~


Jerrily R. Kress, FAIA
Chairperson
Zoning Commission


Sheri M. Pruitt-Williams
Interim Director
Office of Zoning

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